

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

United States of America

vs.

(1) Raul Valdez

§ Case Number: SA:14-M -00014(1)
 § WDTX-Del Rio Division-DR-05-CR-143(2)AM
 § Date: January 07, 2014
 § Time: - 0 -
 § SWORN: X

PROCEEDING MEMO - INITIAL APPEARANCE

1. Complaint Filed _____ Arrest Warrant Issued _____
 Indictment _____ (Date)
 Information _____
 Pet to Rvk Bond _____
 Prob Form 12 _____ Agency _____ U.S. Marshal _____
 Arrested _____ January 7, 2014 _____
Date

2. **COURT PERSONNEL:**

Magistrate Judge: PAMELA MATHY

Courtroom Deputy: Kathy L. Hicks

Interpreter: yes or no

3. **APPEARANCES:**

For the United States: H. JAY HULINGS - Excused

For the Defendant: _____

Address: _____

Phone: _____

Retained FPD CJA

4. **PROCEEDINGS:**

- a. Defendant found competent.
 b. Defendant informed of and received copy of charging document.
 Violation: Violation of Supervised Release
 c. Defendant informed of maximum penalty:
3 years imprisonment on each count; Up to Life supervised release on each count;
any payment of any unsatisfied monetary sanction previously imposed

- d. Defendant informed of constitutional rights.

My constitutional rights have been explained to me.

Date _____ Signature _____

- e. Defendant informed of right to Preliminary Examination.

set for _____ to be set in the charging division _____

OR

- No right to Preliminary Examination.

Arraignment set for _____

4. PROCEEDINGS: (Continued)

- f. Defendant informed of right to legal counsel.
- 1) Defendant waives counsel, OR
 - 2) Defendant will try to secure counsel and inform court by _____ as to name, address of counsel retained, OR
 - 3) Defendant requests appointment of counsel.
- Defendant has completed financial affidavit.
- a) Court finds Defendant is financially eligible and orders counsel appointed.
OR Court appoints: to be appointed in charging division *No objection to Ted Harper representing*
- b) Court finds Defendant is financially ineligible and denies request Defendant to advise Court by _____ as to name, address of counsel retained.
- g. **PRETRIAL RELEASE:**
- 1) Government moved for detention under §3124(f).
 Detention Hearing set for: _____
- 2) Court SUA SPONTE "moves" for detention.
 Detention Hearing set for: _____
- 3) Temporary detention ordered.
 Bond Hearing set for: _____
- 4) Court orders Defendant be released on the following conditions:
 - a) Personal recognizance.
 - b) Defendant's bond set at \$ _____ which is unsecured.
 _____ which requires _____ % deposit.
 _____ which requires 100% cash/corporate/surety.
 - c) Additional conditions of release as set forth in Order Setting Conditions of Release.
- 5) Detention ordered (Violation of Supervised Release).
- h. Temporary commitment issued _____ *Date*
- i. Preliminary Examination continued/reset to _____ *Date*
 at _____ *Time*
- j. Preliminary Examination held _____ *Date*
- k. Probable Cause found _____ *Date*
OR
 No Probable Cause found _____ *Date*
- l. Defendant held to District Court _____ *Date*
- m. Defendant dismissed on Government's motion _____ *Date*
- n. Final Commitment Issued _____ *Date*
- o. Arraignment Set _____ *Date*

5. a. **OTHER PROCEEDINGS** _____ *Court orders U.S. Marshal's to transport Defendant to the Del Rio Division of the Western District of Texas.* _____
-
-

UNITED STATES DISTRICT COURT FILED

for

DEC 18 2013

WESTERN DISTRICT OF TEXASCLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK**Petition for Warrant or Summons for Offender Under Supervision***SA 14-M-0014*

Case Number: DR-05-CR-143(2)-AM

Name of Offender: Raul Valdez

Name of Sentencing Judicial Officer: Honorable Alia Moses, United States District Judge

Date of Original Sentence: March 27, 2006

Date of 1st Revocation: February 14, 2011Date of 2nd Revocation: October 23, 2012

Original Offense: Count One: 21 U.S.C. §§ 952 and 960 – Importation of More Than 500 Grams of Cocaine
 Count Two: 21 U.S.C. § 841 – Possession with Intent to Distribute More Than 500 Grams of Cocaine

Original Sentence: Seventy-two (72) months imprisonment on each count to be served concurrently with credit for time served since January 30, 2005, pursuant to 18 U.S.C. § 3584(a); five (5) year term of supervised release on each count to be served concurrently; \$200 special assessment; \$2,000 fine to be paid at the rate of no less than \$60.00 per month, due by the third day of each month; and total alcohol abstinence.

Sentence at 1st Revocation: Eighteen (18) months imprisonment on each count to be served concurrently; five (5) year term of supervised release on each count to be served concurrently; and all standard and special conditions previously imposed.

Sentence at 2nd Revocation: Twelve (12) months imprisonment on each count to run currently with credit for time served from September 10, 2012 forward, pursuant to 18 U.S.C. § 3583(e)(3); twenty-four (24) month term of supervised release on each count to run concurrently; and all standard and special conditions previously imposed including total alcohol abstinence and payment of fine.

Type of Supervision: Supervised Release

Date Supervision Commenced: September 9, 2013

Assistant U.S. Attorney: Robert Cadena

Defense Attorney: Jad Harper

PREVIOUS COURT ACTION

Violation Report: The offender commenced his initial term of supervised release on April 24, 2009. On November 4, 2009, a Probation Form 12C, Petition for Warrant or Summons for Offender Under Supervision, was signed by the Court and a warrant was issued. The Petition alleged that the offender violated his conditions of supervision by possessing and using cocaine; failing to report to the probation office as instructed; failing to participate in the drug aftercare program; failing to work regularly at a lawful occupation; failing to notify the probation officer at least ten days prior to a change in residence or employment; and failing to pay the Court ordered financial penalty.

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Violation Report: On March 31, 2010, an Amended Probation Form 12C, Petition for Warrant or Summons for Offender Under Supervision, was signed by the Court and no further action was ordered due to the warrant previously issued on November 4, 2009. The Petition alleged new criminal conduct including Forgery (counterfeit money), Evading Arrest or Detention, and Possession of a Controlled Substance.

Violation Report: On February 11, 2011, a Second Amended Probation Form 12C, Petition for Warrant or Summons for Offender Under Supervision, was signed by the Court and no further action was ordered due to the warrant previously issued on November 4, 2009. The Petition combined into one report all allegations noted in the two previously submitted Petitions. The offender's initial term of supervised release was subsequently revoked on February 14, 2011.

Violation Report: The offender commenced his second term of supervised release on March 23, 2012. On August 14, 2012, a Petition for Warrant or Summons for Offender Under Supervision, was signed by the Court and a warrant was issued. The Petition alleged that the offender violated his conditions of supervision by possessing and using opiates, cocaine, and amphetamine; failing to report to the probation office as instructed; failing to participate in the drug aftercare program; and failure to pay the Court ordered financial penalty. The offender's second term of supervised release was subsequently revoked on October 23, 2012.

PETITIONING THE COURT

- To issue a **WARRANT**
- To Issue a **WARRANT** and **TRANSFER JURISDICTION** to the Western District of Texas
- To issue a **SUMMONS**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1. **Standard Condition #1: "The defendant shall not leave the judicial district without permission of the court or probation officer."**

On October 27, 2013 at 6:20 p.m., an officer with the George West Police Department (Live Oak County) was conducting stationary radar when he confirmed a vehicle traveling northbound on Highway 281 was traveling at 70 miles per hour in a 55 mile per hour zone. A traffic stop was initiated. While identifying the driver, Carlos Chapa, the officer could smell a strong odor of alcohol emitting from the vehicle. Upon exiting the vehicle, Mr. Chapa admitted there were margaritas in 20 ounce cups inside the vehicle.

The right front passenger was subsequently identified as Raul Valdez, and a record check confirmed an active warrant out of Bexar County for Assault Bodily Injury (offense date 08/16/2012; Cause No. 428659 in Bexar County Court at Law #13). Mr. Valdez was arrested on the outstanding warrant and transported to the Live Oak County Jail. Live Oak County is not within the Western District of Texas and Mr. Valdez did not have permission to travel outside of the district. Mr. Valdez was aware of his travel restrictions as evidenced by his signature on the "Travel Instructions and Procedures" form dated September 9, 2013.

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2. **Standard Condition #9:** “The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the Probation Officer.”

Please reference violation #1. According to the Texas Department of Public Safety’s Texas Gang Investigative Database, the driver of the vehicle, Carlos Chapa (aka. Turtle, Worm, Flaco, Guero, Skippy; DOB 12/12/1982) is a member of the Texas Mexican Mafia and a felon. Mr. Chapa was previously convicted on January 30, 2008 for a 3rd degree felony, Prohibited Weapons, Cause No. 2008CR0796W in the 226th Judicial District Court, Bexar County, Texas.

3. **Standard Condition #15:** “The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant’s ability to pay.”

The offender failed to report to Lifetime Recovery (outpatient) on November 5, 2013 for a scheduled individual session.

U.S. Probation Officer Recommendation:

Raul Valdez has a Criminal History Category of IV with prior adult convictions for Possession of Marijuana, Criminal Mischief, Possession of a Controlled Substance-Heroin-Less Than One Gram, and Possession of a Controlled Substance-Cocaine-Less Than One Gram. While serving his initial federal sentence, the offender incurred violations for Refusing to Obey an Order and Possessing an Unauthorized Item. As noted, the offender has been previously revoked twice for technical violations including drug use, failure to participate in substance abuse treatment programming, failure to pay his fine, and failure to report; and a criminal law violation, Forgery, for which he was subsequently sentenced to two years imprisonment by the State of Texas.

The offender began his third term of supervised release on September 9, 2013. Since his release to supervision, his adjustment has been marginal. Although the offender’s residence plan with his sister was initially approved, the offender’s sister later admitted the offender had not been added to the lease agreement and management was not aware of his presence. Also, the probation office spoke with a representative in the management office who confirmed the complex does not rent to felons. It was agreed the offender would remain with his sister on a temporary basis while he sought alternate living arrangements. However, as of this date, the offender has not provided an alternate address. Additionally, the offender’s employment has not been verified via an employment visit due to his failure to provide accurate jobsite information. Recently, the offender indicated he was working in Senora, Texas (a location outside the Western District of Texas), but failed to provide an address or specific location. The offender did not have permission to travel to Senora, and telephone calls to his employer have been equally vague.

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Regarding his arrest on October 27, 2013, the offender had an outstanding warrant for Assault Bodily Injury. The offense occurred on August 16, 2012 while the offender was serving his second term of supervised release, and after the Court issued a warrant for technical violations on August 14, 2012. The charge was pending when the offender was revoked on October 23, 2012. The offender is currently on bond and the charge remains pending in Bexar County Court at Law #13.

Based on the offender's travels outside of the district and his association with felon Carlos Chapa, it appears the offender is not willing to comply with the conditions of supervision. As such, the probation office respectfully recommends the issuance of a warrant.

The term of supervision should be

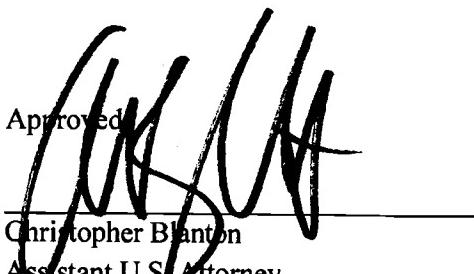
- revoked. (Maximum penalty: 3 years imprisonment **on each count**; Up to Life supervised release **on each count**; and payment of any unsatisfied monetary sanction previously imposed)
- extended for _____ years, for a total term of _____ years.

The conditions of supervision should be modified as follows:

Approved:


Edna DeFrancesca
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5336

Approved:


Christopher Blanton
Assistant U.S. Attorney

Respectfully submitted,

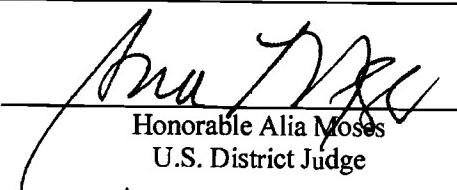

Ruth Caballero
Senior U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5340
Date: December 10, 2013

cc: Suzan R. Contreras
Assistant Deputy Chief U.S. Probation Officer

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~~THE COURT ORDERS:~~

- No action.
- The issuance of a WARRANT. Bond is set in the amount of \$ Detain cash/surety with supervision by the United States Probation Office to continue as a condition of release.
- The issuance of a SUMMONS.
- Other _____


Honorable Alia Moses
U.S. District Judge

12-18-13
Date

AO 442 (Rev. 10/03) Warrant for Arrest (Rev. 9/05 WDTX)

UNITED STATES DISTRICT COURT

Western

District of

Texas

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.
RAUL VALDEZ

Case Number: DR-05-CR-143 (02)

SA 14-m-0014

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

RAUL VALDEZ

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

Indictment Information Complaint Order of court Probation Violation Petition Supervised Release Violation Petition Violation Notice

charging him or her with (brief description of offense)

VIOLATION OF SUPERVISED RELEASE
(SEE ATTACHED COPY)in violation of Title(s) 18United States Code, Section(s) Please see attached Indictment

C. Rodriguez

Name of Issuing Officer

U.S. Deputy Clerk

Title of Issuing Officer

DATE ISSUED: 12/18/2013

Bail fixed at \$

by

U.S. District Judge Alia Moses

Name of Judicial Officer

Signature of Issuing Officer

12/18/2013

Del Rio, TX

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

1-7-14
Filed _____
Clerk, U. S. District Court
Western District of Texas
By _____ KCL Deputy

United States of America

§
§
§
§
§

vs.

Criminal No. SA:14-M -00014(1)

(1) Raul Valdez

Ref: DR-05-CR-143(2)AM

ORDER OF REMOVAL

TO THE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF TEXAS:

(1) Raul Valdez , charged in a proceeding pending in the

WESTERN DISTRICT OF TEXAS

DEL RIO DIVISION for ,

VIOLATIONS OF SUPERVISED RELEASE

and having been arrested in the San Antonio Division of this district.

YOU ARE HEREBY COMMANDED to remove (1) Raul Valdez forthwith to the WESTERN DISTRICT OF TEXAS, DEL RIO DIVISION, and there deliver him/her to the United States Marshal for that district or to some other officer authorized to receive him/her.

ORDERED at SAN ANTONIO, Texas on 7th day of January, 2014.


PAMELA MATHY
U.S. MAGISTRATE JUDGE